IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No.11652 of 2008
RAJENDRA PASWAN
Versus
STATE OF BIHAR

2/ 1.5.2008 Heard.

Petitioner Rajendra Paswan is an accused in a case instituted under section 376 of the Indian Penal Code.

As per the complaint lodged by Minta Devi, the petitioner had forcibly committed rape upon her.

It has been submitted by the learned advocate of the petitioner that the entire allegation levelled in the complaint petition appears to be false in view of the fact that at the time of alleged occurrence the own sister of the victim, who is aged about 30 years (examined as E.W.1) was also sleeping in the house of the complainant but she did not raise any halla in spite of the fact that for complete half an hour the petitioner committed sexual act upon the informant.

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Learned advocate further submitted that due to previous quarrel the petitioner has been falsely implicated in this case. It has further been submitted that the statement of the doctor recorded under section 202 Cr.P.C. will show that the doctor had advised the complainant to go to the police but the complainant did not go the police because falsity of the case could have been revealed during enquiry.

Considering the submission as also the fact that the complainant did not go to the police in spite of the advice of the

doctor, I am of the view that the allegation seems to be doubtful.

In such view of the matter, petitioner Rajendra Paswan is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Sandeep Mishra, Judicial Magistrate, Ist Class, Vaishali at Hajipur, in connection with Trial No.1312 of 2007 arising out of Complaint case no.2250 of 2006.

JA/3cp. **(Syed Md. Mahfooz Alam,J.)**

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